

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #13	CCRB Case #: 201901262	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/31/2019 10:15 AM	Location of Incident: 149th Street and 3rd Avenue (2/5 line) subway station	Precinct: 40	18 Mo. SOL 7/31/2020	EO SOL 3/17/2021	
Date/Time CV Reported Thu, 01/31/2019 1:24 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/11/2019 11:08 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Andrew Nguyen	13120	946057	TB DT12
2. POM Ioannis Ladas	07804	955035	TB DT12
3. POM Giorgi Eristavi	15427	963974	TB DT12
4. POM Jose Espinal	20244	963977	TB DT12
5. SGT Mayky Santos	02317	944982	040 PCT
6. An officer			TB DT12

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Anil Sugrim	07029	931281	TB DT12

Officer(s)	Allegation	Investigator Recommendation
A.POM Andrew Nguyen	Discourtesy: Police Officer Andrew Nguyen spoke discourteously to § 87(2)(b)	
B.POM Andrew Nguyen	Force: Police Officer Andrew Nguyen used physical force against § 87(2)(b)	
C.POM Giorgi Eristavi	Force: Police Officer Giorgi Eristavi used physical force against § 87(2)(b)	
D.POM Jose Espinal	Force: Police Officer Jose Espinal used physical force against § 87(2)(b)	
E.POM Ioannis Ladas	Force: Police Officer Ioannis Ladas used physical force against § 87(2)(b)	
F. An officer	Force: An officer used physical force against § 87(2)(b)	
G.POM Ioannis Ladas	Abuse: Police Officer Ioannis Ladas threatened § 87(2)(b) with the use of force.	
H.POM Andrew Nguyen	Force: Police Officer Andrew Nguyen used a Taser against § 87(2)(b)	
I.POM Andrew Nguyen	Abuse: Police Officer Andrew Nguyen threatened § 87(2)(b) with the use of force.	
J.POM Andrew Nguyen	Force: Police Officer Andrew Nguyen used a Taser against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
K.POM Andrew Nguyen	Force: Police Officer Andrew Nguyen used a Taser against § 87(2)(b)	
L.POM Giorgi Eristavi	Discourtesy: Police Officer Giorgi Eristavi spoke discourteously to § 87(2)(b)	
M.SGT Mayky Santos	Discourtesy: Sergeant Mayky Santos spoke discourteously to § 87(2)(b)	
N.SGT Mayky Santos	Abuse: Sergeant Mayky Santos threatened § 87(2)(b) with the use of force.	
O. An officer	Abuse: An officer deleted information on § 87(2)(b) s electronic device.	

### **Case Summary**

On January 31, 2019, § 87(2)(b) filed this complaint with IAB by phone. The CCRB received the complaint on February 11, 2019.

On January 31, 2019, at approximately 10:30 a.m., § 87(2)(b) was at the 149<sup>th</sup> Street and 3<sup>rd</sup> Avenue (2/5 line) subway station in the Bronx. § 87(2)(b) encountered PO Andrew Nguyen, PO Ionnis Ladas, PO Giorgi Eristavi, and PO Jose Espinal of Transit District 12. PO Nguyen allegedly told § 87(2)(b) “Who the fuck do you think you are?” (**Allegation A: Discourtesy**, § 87(2)(g)). PO Nguyen hit § 87(2)(b) in the face (**Allegation B: Force**, § 87(2)(g)). PO Eristavi, PO Espinal, and PO Ladas pushed § 87(2)(b) against an emergency gate and pushed him to the floor (**Allegations C-E: Force**, § 87(2)(g)). An officer allegedly punched § 87(2)(b) in the back and ribs (**Allegation F: Force**, § 87(2)(g)). PO Ladas threatened § 87(2)(b) with the use of force (**Allegation G: Abuse of Authority**, § 87(2)(g)). PO Nguyen allegedly used a Taser against § 87(2)(b) three times (**Allegation H: Force, Unfounded, Allegation J-K: Force**: § 87(2)(g)). PO Nguyen threatened § 87(2)(b) with the use of force (**Allegation I: Abuse of Authority**, § 87(2)(g)). PO Eristavi told § 87(2)(b) to “Shut the fuck up” (**Allegation L: Discourtesy**, § 87(2)(g)). Sgt. Mayky Santos of the 40<sup>th</sup> Precinct arrived on scene after § 87(2)(b) was handcuffed and allegedly spoke discourteously toward him and threatened him with the use of force (**Allegation M-N: Discourtesy, Abuse of Authority**, § 87(2)(g)). An officer allegedly deleted information from § 87(2)(b)'s cell phone (**Allegation O: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was arrested and charged with assault. § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs).

Body worn camera video of the incident was obtained, and is attached to IA #71-75 and is summarized in IA#118 (BR01). Cell phone video of the incident was obtained, and is attached to IA#96 and summarized in IA #120 (BR02).

### **Findings and Recommendations**

#### **Allegation (A) Discourtesy: Police Officer Andrew Nguyen spoke discourteously to § 87(2)(b).**

It is undisputed that § 87(2)(b) entered the subway station and spoke with PO Nguyen about obtaining entry to the subway platform without paying for a Metrocard. After § 87(2)(b)'s request was denied, he paid for a Metrocard, and swiped his way through the turnstiles.

§ 87(2)(b) testified that he asked PO Nguyen, PO Ladas, PO Eristavi, and PO Espinal, who were standing behind an emergency gate, if he could give them money to cover his fare because he was in a rush. PO Nguyen responded, “Who the fuck do you think you are?” § 87(2)(b) responded, “There’s no need for that. Right now you’re acting like unprofessional cowards and pieces of shit.” § 87(2)(b) purchased a Metrocard and entered through the turnstiles (BR03).

§ 87(2)(b) an independent civilian bystander, said he observed from the subway platform about five feet away, § 87(2)(b) approach the officers and ask to be allowed into the subway station. PO Nguyen told him, “No, you pay.” § 87(2)(b) asked again and received the same response from PO Nguyen. § 87(2)(b) walked away. § 87(2)(b) did not hear PO Nguyen tell § 87(2)(b) “Who the fuck do you think you are” (BR04).

§ 87(2)(b) an NYC Transit employee who witnessed a later part of the incident, did not witness § 87(2)(b)'s initial interaction with PO Nguyen (BR05).

PO Nguyen, PO Ladas, PO Eristavi, and PO Espinal were all consistent in describing that § 87(2)(b) approached the emergency gate, asked to be let through for free, and became angry after he was denied entry. § 87(2)(b) became loud and told the officers they were racist and abusing their power, and he made profane remarks such as, “Fuck the police.” PO Nguyen denied that he directed any profanity toward § 87(2)(b) and the other officers did not recall if PO Nguyen did so (BR06-09).

§ 87(2)(g)

**Allegation (B) Force: Police Officer Andrew Nguyen used physical force against § 87(2)(b)**

§ 87(2)(b) testified that he swiped through the turnstiles and started walking down the subway platform. PO Nguyen walked toward § 87(2)(b) and stepped into his path. § 87(2)(b) said, “You’re proving my point right now. You’re acting like a coward.” § 87(2)(b) turned toward other officers who were nearby and asked them, “You’re going to allow him to keep on impeding where I’m going?” § 87(2)(b) turned back toward PO Nguyen who immediately smacked § 87(2)(b) with an open palm on the right side of his face.

§ 87(2)(b) the NYC Transit employee, testified that he was speaking with PO Nguyen on the boarding platform when PO Nguyen stepped away from § 87(2)(b) and walked toward § 87(2)(b). PO Nguyen and § 87(2)(b) stood within inches of each other. § 87(2)(b) said, “Get the fuck out of my face,” “Get out of my way,” and said that he paid his fare. § 87(2)(b) and PO Nguyen exchanged words, but § 87(2)(b) did not remember what PO Nguyen said. After about 30-60 seconds, PO Nguyen pushed § 87(2)(b) in the chest.

§ 87(2)(b) the civilian bystander, stated that § 87(2)(b) entered the boarding platform after paying his fare. PO Nguyen stepped in front of § 87(2)(b) and told PO Nguyen that he should, “Go back to his country.” PO Nguyen said, “Yea, yea, yea” and “smacked” § 87(2)(b) in the face.

Body worn camera video shows § 87(2)(b) seen wearing a surgical mask, walk down the boarding platform from the direction of the fare turnstiles. At the start of PO Eristavi’s BWC video, PO Nguyen turns from where he is standing, walks toward § 87(2)(b) and stops in front of § 87(2)(b) (BR10). This is also apparent at 00:15 on the video player timestamp (visible at the bottom of the screen) of PO Espinal’s BWC video (BR11). There is no sound in this section of the BWC, but the two appear to be speaking for less than 10 seconds, during which § 87(2)(b) has his right hand raised in front of him and waves it in front of him, and raises his left hand once and waves it off to the side of PO Nguyen. § 87(2)(b)’s movements are best seen in PO Ladas’ BWC video starting at 00:10 on the video player (visible at the bottom of the screen) (BR12). PO Nguyen waves his left hand at § 87(2)(b) and makes contact with § 87(2)(b)’s face, causing § 87(2)(b)’s surgical mask to fall off.

PO Nguyen testified that he was speaking with § 87(2)(b) when § 87(2)(b) entered through the fare turnstiles. § 87(2)(b) was screaming, “You all are fucking assholes. Fuck you.” § 87(2)(b) walked up to PO Nguyen and said, “I could fuck all of you up.” I don’t give a fuck if you got badges.” PO Nguyen denied that he intentionally got into § 87(2)(b)’s way. Rather, PO Nguyen said he had been pacing back and forth on the platform when § 87(2)(b) walked up to him. PO Nguyen said, “You got in. What’s the problem?” § 87(2)(b) raised his left fist which made PO Nguyen fearful that § 87(2)(b) was going to punch him. PO Nguyen pushed § 87(2)(b) back. PO Nguyen was trying to push § 87(2)(b) in the chest but his hand “went high” and hit § 87(2)(b) in the face.

PO Ladas, PO Espinal, and PO Eristavi were consistent in describing that § 87(2)(b) and PO Nguyen came to be face-to-face with one another, but they did not remember if § 87(2)(b) made any threats toward anyone who was present. All three officers said PO Nguyen pushed § 87(2)(b) seemingly because § 87(2)(b) was so close to PO Nguyen.

Officers may use force when it is reasonable to ensure the safety of a member of service. In all circumstances, any application or use of force must be reasonable under the circumstances. In determining whether the use of force is reasonable, the following factors are to be considered: 1) the nature and severity of the crime/circumstances, 2) actions taken by the subject, 3) duration of the action, 4) immediacy of the perceived threat or harm. When appropriate and consistent with personal safety, officers will use de-escalation techniques in order to stabilize a situation and reduce the immediacy of the threat so that more time, options, and resources become available. NYPD Patrol Guide, Procedure 221-01 (BR13).

The video evidence and witness statements from § 87(2)(b) and § 87(2)(b) contradict PO Nguyen's account and show that PO Nguyen walked into § 87(2)(b)'s path. It is undisputed that § 87(2)(b) used profanity and spoke disparagingly toward PO Nguyen, which supports the officers' account that § 87(2)(b) became angry after being denied free entry into the subway station. However, rather than de-escalate the situation, PO Nguyen's actions increased the likelihood of a physical confrontation, as evidenced by § 87(2)(b)'s account that § 87(2)(b) verbally expressed agitation about PO Nguyen getting in his way. The video evidence shows § 87(2)(b) making various hand motions while he and PO Nguyen are right next to each other. However, none of these motions signal are consistent with an obvious intent to become violent toward PO Nguyen. They are more consistent with § 87(2)(b) trying to gesture that he was either going or wanted to go around PO Nguyen. The video shows, and PO Nguyen acknowledged, him striking § 87(2)(b) in the face, albeit PO Nguyen said he meant to make contact with § 87(2)(b)'s chest and inadvertently struck his face.

§ 87(2)(g)

**Allegation (C) Force: Police Officer Giorgi Eristavi used physical force against § 87(2)(b)**  
**Allegation (D) Force: Police Officer Jose Espinal used physical force against § 87(2)(b)**  
**Allegation (E) Force: Police Officer Ioannis Ladas used physical force against § 87(2)(b)**  
**Allegation (F) Force: An officer used physical force against § 87(2)(b)**  
**Allegation (G) Abuse of Authority: Police Officer Ioannis Ladas threatened § 87(2)(b) with the use of force.**

The following facts are undisputed. § 87(2)(b) punched PO Nguyen after PO Nguyen made physical contact with § 87(2)(b). PO Eristavi, PO Espinal, and PO Ladas, grabbed § 87(2)(b) and pushed him against an emergency gate. § 87(2)(b) held onto the emergency gate with his hands which prevented the officers from bringing him to the ground. PO Eristavi, PO Espinal, and PO Ladas were able to bring § 87(2)(b) to the ground, where he was ultimately handcuffed.

§ 87(2)(b) testified that PO Eristavi, PO Espinal, and PO Ladas grabbed him and pushed him against the emergency gate. An officer, § 87(2)(b) did not know who, punched him "a few times"

on his back and ribs. § 87(2)(b) held onto the emergency gate and stiffened his body to prevent the officers from getting him to the ground. § 87(2)(b) said, “I’m not letting y’all put me on the ground. I know what’s going to happen to me if you put me on the ground. I’m not resisting arrest, but you’re not putting me on the ground.” An officer, identified by the investigation as PO Ladas said, “If you don’t get on the ground, you’re getting Tased.” § 87(2)(b) let go of the gate, and the officers pushed him to the ground.

§ 87(2)(b) and § 87(2)(b) did not see any officer punch § 87(2)(b) though their views were obstructed by the officers’ bodies.

Starting at 00:22 on the video player timestamp (visible at the bottom of the screen), PO Ladas’ BWC video shows § 87(2)(b) punch PO Nguyen. PO Eristavi, PO Ladas, and PO Espinal circle § 87(2)(b) and push him against the emergency gate. PO Ladas says, “Get down.” § 87(2)(b) says, “No.” PO Ladas repeatedly tells § 87(2)(b) to get down. At the 45-second mark, PO Ladas says, “You’re getting Tased. Tase him. Tase him” (BR12).

Starting at 00:14 on the video player timestamp (visible at the bottom of the screen), PO Eristavi’s BWC video shows PO Eristavi, PO Ladas, and PO Espinal’s hands, elbows, and knees pressed against various parts of § 87(2)(b)’s body while they grapple with him against the emergency gate. The video does not clarify whether any officer punched § 87(2)(b) (BR10).

Cell phone video recorded by § 87(2)(b) starts after the officers have pushed § 87(2)(b) against the emergency gate. The specific actions taken by the officers and § 87(2)(b) cannot be seen clearly because the video is recorded from behind and is obstructed by the backs of multiple officers (BR14).

PO Eristavi, PO Espinal, and PO Ladas were consistent in describing that they grabbed § 87(2)(b) and placed him against the gate in order to place him under arrest, given that he had just punched PO Nguyen. § 87(2)(b) resisted arrest by grabbing onto the emergency gate with his hand. The officers brought § 87(2)(b) to the ground in order to better control him and get him handcuffed because they were unable to control him upright as a result of his resistance. All of the officers denied that anyone punched § 87(2)(b) and they did not see any other officer do so.

PO Ladas testified that § 87(2)(b) physically resisted arrest in the manner described above. PO Ladas told the other officers to use a Taser against § 87(2)(b) because he hoped that hearing this would cause § 87(2)(b) to comply.

Force may be used when it is reasonable to ensure the safety of a member of service or when it is reasonable to place a person in custody. NYPD Patrol Guide, Procedure 221-01. Conducted Energy Weapons (CEWs) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons present. Active resistance includes physically evasive movements and verbally signaling an intention to avoid or prevent being taken into custody. NYPD Patrol Guide, Procedure 221-08 (BR15).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

**Allegation (H) Force: Police Officer Andrew Nguyen used a Taser against § 87(2)(b)**

**Allegation (I) Abuse of Authority: Police Officer Andrew Nguyen threatened § 87(2)(b) with the use of force.**

**Allegation (J) Force: Police Officer Andrew Nguyen used a Taser against § 87(2)(b)**

**Allegation (K) Force: Police Officer Andrew Nguyen used a Taser against** § 87(2)(b)

§ 87(2)(b) testified that after he was brought to the ground, officers placed their hands and knees on him. § 87(2)(b)'s head hit the ground due to being brought to the ground and caused his mouth to bleed. § 87(2)(b) spit blood from his mouth. § 87(2)(b) turned his head to see what was happening behind him. Aside from these actions, § 87(2)(b) denied making any movements with his body. Shortly after hitting the ground, § 87(2)(b) felt a Taser used on the back of his right calf. § 87(2)(b) said, "Why are you Tasing me?" A Taser was used against him a second time on the back of his right knee. § 87(2)(b) was handcuffed. He then a third Taser discharge on the back of his right thigh.

At the start of the cell phone video provided by § 87(2)(b) PO Nguyen, seen standing behind the huddle of officers, is seen with his Taser drawn. At 00:05 on the video player timestamp (visible at the bottom of the screen), an audible crackling sound is heard for five seconds, indicating the Taser was triggered. This is the only time an arcing noise is heard in the video. PO Nguyen appears to move his arm toward § 87(2)(b) at 00:10. § 87(2)(b) falls to the ground and his left arm is underneath him. PO Nguyen is seen at 00:13 with the Taser in his right hand moving toward § 87(2)(b) and then bending over toward § 87(2)(b). At the same time, § 87(2)(b) yells, “Ah, motherfucker.” At 00:18, § 87(2)(b) places his hands on the ground and pushes his upper body upwards. At 00:20, § 87(2)(b) yells, “Aah. Fuck. Yo, why are you still Tasing me, man.” It cannot be seen in the video whether the Taser makes contact with § 87(2)(b)’s body, nor can § 87(2)(b)’s lower body movements be seen in the video. No verbal commands or warnings are heard (BR14).

§ 87(2)(b) was taken to § 87(2)(b) after requesting medical treatment. The medical records from the hospital show that § 87(2)(b) complained of pain to his right leg from a Taser. A physical examination of § 87(2)(b) showed that he had small abrasions and raised lesions on his right lower extremities from “taser marks” (BR16).

The Taser X-26 data sheet for PO Nguyen's Taser shows that his Taser was triggered three times during this encounter (BR17).

PO Nguyen said after he heard PO Ladas say, “Tase him. Tase him,” PO Nguyen triggered his Taser. This was done while § 87(2)(b) was resisting arrest when he was standing against the emergency gate. PO Nguyen triggered his Taser in the hope that the Taser’s arcing noise would make § 87(2)(b) compliant. However, PO Nguyen denied that he used the Taser against § 87(2)(b). PO Nguyen said he was unable to use the Taser against § 87(2)(b) because the other three officers

were in the way while § 87(2)(b) was against the emergency gate.

PO Nguyen testified that after the other officers brought § 87(2)(b) to the ground, he went toward § 87(2)(b)'s feet and held them down with his hands and knees because § 87(2)(b) was kicking. At some point, PO Nguyen accidentally discharged his Taser while it was in his hand, but he did not remember if he was holding it at the same time he was holding down § 87(2)(b)'s legs. When shown the X-26 data sheet during his CCRB interview, PO Nguyen stated that the third discharge was possibly a second accidental discharge, but he did not remember. Aside from kicking, PO Nguyen did not know if § 87(2)(b) resisted in any other way because he could not see the rest of § 87(2)(b)'s body from where he was positioned. PO Nguyen denied that he ever used a Taser against § 87(2)(b).

PO Espinal, PO Ladas, and PO Eristavi gave various accounts of § 87(2)(b)'s physical resistance after he was on the ground. None of the officers remembered if § 87(2)(b) kicked his legs. PO Espinal stated that § 87(2)(b) shook his upper body while officers were trying to handcuff him. PO Ladas stated that § 87(2)(b) was compliant. PO Eristavi stated that § 87(2)(b) was shaking his head and upper body once he was on the ground. PO Eristavi also stated that § 87(2)(b) tried biting PO Eristavi's finger which prompted PO Eristavi to hold § 87(2)(b)'s head down against the ground.

According to the Taser manufacturer's manual, a CEW's electrical current is relatively quiet when both probes make direct contact with a human (BR22). CEWs should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons present. Active resistance includes physically evasive movements and verbally signaling an intention to avoid or prevent being taken into custody. NYPD Patrol Guide, Procedure 221-08.

Three use of Taser allegations are pled against PO Nguyen because § 87(2)(b) alleged a Taser was used against him three times and the Taser X-26 data sheet confirms PO Nguyen's Taser was triggered three times during the encounter. As such, each use of the Taser requires an independent justification and is pled separately.

§ 87(2)(g)  
[REDACTED]

[REDACTED]

[REDACTED]



§ 87(2)(g)

**Allegation (L) Discourtesy: Police Officer Giorgi Eristavi spoke discourteously to § 87(2)(b).**

At 00:43 on the video player timestamp (visible at the bottom of the screen), as officers struggle on the ground to get § 87(2)(b) handcuffed, he yells, “Ah, motherfucker.” In response, PO Eristavi tells § 87(2)(b) “Shut the fuck up” (BR10). At 00:47, an officer tells § 87(2)(b) “Put your hands behind your back.” At 00:48, § 87(2)(b) yells, “Ah. Fuck. Why you still Tasing me, man?” At 01:00, the handcuffs are heard being locked on § 87(2)(b).

PO Eristavi acknowledged telling § 87(2)(b) to “shut the fuck up” and reasoned that he was frustrated and angry with § 87(2)(b) given that § 87(2)(b) had been disrespectful to the officers, punched PO Nguyen, and physically resisted arrest.

Officers must respect the dignity of each individual and render their services with courtesy and civility. NYPD Patrol Guide, Procedure 200-02 (BR18). Officers have a responsibility to act with decorum in their interactions with civilians, though there are certain situations where profane remarks made during a stressful or chaotic situation do not constitute misconduct. DAO-DCT Disciplinary Case No. 2018-18951 (BR 23).

§ 87(2)(g)

**Allegation (M) Discourtesy: Sergeant Mayky Santos spoke discourteously to § 87(2)(b)**  
**Allegation (N) Abuse of Authority: Sergeant Mayky Santos threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) testified that additional officers arrived on the boarding platform after he was handcuffed. § 87(2)(b) was stood up and walked to the stairs to bring him outside. § 87(2)(b) was screaming because he was in pain due to the handcuffs. Sgt. Santos told § 87(2)(b) “Stop screaming. The handcuffs are good. If you continue to do that, we’re going to beat the shit out of you again. You want that shit to happen again? You want that shit that happened right now to happen again?” § 87(2)(b) was walked outside.

The officers involved in § 87(2)(b)’s arrest made a radio transmission requesting additional officers to the location. BWC video shows that Sgt. Santos was one of the officers who arrived in response.

At 05:00 on the video player timestamp (visible at the bottom of the screen), Sgt. Santos arrives to the subway station as § 87(2)(b) is being walked outside (BR12). § 87(2)(b) complains about discomfort from the handcuffs. Sgt. Santos tells § 87(2)(b) that he should not have fought with his officers. No officer says anything to the effect of, “We’re going to beat the shit out of you again.”

You want that shit to happen again? You want that shit that happened right now to happen again?"

§ 87(2)(g)

**Allegation (O) Abuse of Authority: An officer deleted information on § 87(2)(b)'s electronic device.**

§ 87(2)(b) testified that § 87(2)(b) identified via investigation, spoke with him after he was handcuffed and told him he recorded the incident. § 87(2)(b) gave § 87(2)(b) his phone number and § 87(2)(b) said he would send him the video. § 87(2)(b)'s wife retrieved § 87(2)(b)'s property from the stationhouse. § 87(2)(b) had to contact § 87(2)(b) to obtain the video again in order to secure it for § 87(2)(b)'s court appearances. § 87(2)(b) alleged that officers deleted the video from his phone, though he did not see this happen.

§ 87(2)(b) provided a phone statement to the CCRB, in which he said he attempted to forward the video to § 87(2)(b)'s cell phone after the incident, but received an error message and was unable to send the video. Someone got in touch with § 87(2)(b) at a later date and asked him to resend the video, which he did.

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR19).
- PO Nguyen has been a member of the service for 11 years, and has been a subject in three prior CCRB complaints and three allegations, one of which was substantiated.
  - CCRB 201505345 involved a substantiated physical force allegation against PO Nguyen. Specifically, the allegation involved PO Nguyen pushing a civilian through a subway emergency gate and slapping the civilian in the face. The Board recommended Charges and the NYPD imposed the forfeiture of five vacation days.
- PO Ladas, PO Espinal, and PO Eristavi have been members of the service for six, two, and two years, respectively. This is the first complaint in which they have been subjects.
- Sgt. Santos has been a member of the service for 12 years and has been a subject in eight CCRB complaints involving 13 allegations, none of which were substantiated.

§ 87(2)(g)

**Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming physical injuries, emotional distress, unlawful arrest and seeking \$30 million as redress (BR20). No 50-H hearing has been scheduled.

§ 87(2)(g)

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Squad No.: 13

Investigator: Rolando Vasquez SI Rolando Vasquez 04/22/2020  
Signature Print Title & Name Date

Squad Leader: Laura Kastner IM Laura Kastner 04/22/2020  
Signature Print Title & Name Date